

**Executive Summary – Enforcement Matter – Case No. 39831**  
**Valero Refining-Texas, L.P.**  
**RN100214386 and RN100238385**  
**Docket No. 2010-0924-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Valero Corpus Christi Refinery West Plant ("Plant 1"), 5900 Up River Road, Corpus Christi, Nueces County; and

Valero Refining Texas City Refinery ("Plant 2"), 1301 Loop 197 South, Texas City, Galveston County.

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, RN100214386: Docket Nos.

2009-0116-IHW-E and 2010-0909-MLM-E. RN100238385: Docket Nos. 2010-0909-MLM-E and 2011-0991-AIR-E.

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 15, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$591,798

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$295,899

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$295,899

Name of SEP: Texas PTA – Texas PTA Clean School Buses

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Maximum Limit Adjustment:** (RN100214386): \$212,010

**Statutory Maximum Limit Adjustment:** (RN100238385): \$40,900

**Applicable Penalty Policy:** September 2002

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***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 10, 2008 through April 6, 2009; December 28, 2009; March 17, 2010

**Date(s) of NOE(s):** April 14, 2009; May 21, 2010; May 24, 2010

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 897,677 pounds ("lbs") of volatile organic compounds ("VOC"), including 14,615 lbs of hazardous air pollutants ("HAP"), from a leak in a product exchanger (Equipment No. 22-E-07) in the Heavy Oil Cracking ("HOC") Unit Cooling Tower during an emissions event (one event reported as Incident Nos. 111485 and 118109) that began May 27, 2008 and lasted 2,382 hours. The leak was discovered on May 27, 2008 and repaired September 3, 2008. The cause of the leak could not be determined based on information provided. Since this emissions event was determined to be excessive and it was improperly reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a) and (c)(7), TEX. HEALTH & SAFETY CODE § 382.085(b) and Flexible Permit Nos. 38754 and PSDTX324M13, Special Conditions No. 1].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 245,159 lbs of VOCs, including 51,829 lbs of HAPs, from a leak in a product exchanger (Equipment No. 22-E-18B) in the HOC Unit Cooling Tower during an emissions event (Incident No. 114252) that began September 18, 2008 and lasted 229 hours and 30 minutes. The cause of the leak could not be determined based on information provided. Since this emissions event was determined to be excessive, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a) and (c)(7), TEX. HEALTH & SAFETY CODE § 382.085(b) and Flexible Permit Nos. 38754 and PSDTX324M13, Special Conditions No. 1].

3. Failed to submit the initial notification and final report for an emissions event initially reported as two incidents (Incident Nos. 118109 and 111485) in a timely manner [30 TEX. ADMIN. CODE § 101.201(a)(1), (b) and (c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, 553.8 lbs of nitrogen oxides, 31,498 lbs of sulfur dioxide ("SO<sub>2</sub>"), 120.7 lbs of ammonia, 4,000.4 lbs of carbon monoxide, 1,259.5 lbs of hydrogen sulfide ("H<sub>2</sub>S"), and 37,597.4 lbs of VOC were released into the atmosphere due to the failure of a coupling on a crude charge pump to the No. 3 Crude Unit during startup that resulted in a fire (Incident No. 133651). The emissions event that occurred on December 24, 2009, lasted three hours and 56 minutes. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN.

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CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1].

5. Failed to include the compound descriptive types in the final report [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to prevent unauthorized emissions. Specifically, 1,999.90 lbs of SO<sub>2</sub> and 21.66 lbs of H<sub>2</sub>S were released into the atmosphere due to the pressure build-up in the No. 2 Tail Gas Unit Absorber which resulted in amine carryover from the tower (Incident No. 134380). The emissions event, which began on January 12, 2010, lasted 48 hours. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that the Respondent has implemented the following corrective measures at Plant 1:

- a. Submitted a Corrective Action Plan on June 12, 2009; which was revised, approved, and implemented by April 15, 2011; in response to Incident Nos. 111485, 118109, and 114252 at the HOC Unit Cooling Tower; and
- b. Reviewed, updated and re-trained, as necessary, its emissions event calculating and reporting procedures by January 7, 2009.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
  - a. Within 30 days:
    - i. Implement measures designed to prevent a recurrence of emissions events due to the same cause as Incident No. 133651;
    - ii. Implement procedures to ensure that the final record for a reportable emissions event complies with 30 TEX. ADMIN. CODE § 101.201(b)(1); and

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**Valero Refining-Texas, L.P.  
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iii. Implement measures designed to prevent a recurrence of emissions events due to the same cause as Incident No. 134380.

b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Trina Grieco, Enforcement Division,  
Enforcement Team 5, MC R-13, (210) 403-4006; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** Phillip Hampsten, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-6732

**Respondent:** Dennis Payne, Vice President and General Manager, Valero Refining-  
Texas, L.P., P.O. Box 9370, Corpus Christi, Texas 78469

Salvatore Viscontini, Senior Vice President and General Manager, Valero Refining-  
Texas, L.P., P.O. Box 9370, Corpus Christi, Texas 78469

**Respondent's Attorney:** N/A

**Attachment A**  
**Docket Number: 2010-0924-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Valero Refining-Texas, L.P.</b>
<b>Penalty Amount:</b>	<b>Five Hundred Ninety-One Thousand Seven Hundred Ninety-Eight Dollars (\$591,798)</b>
<b>SEP Offset Amount:</b>	<b>Two Hundred Ninety-Five Thousand Eight Hundred Ninety-Nine Dollars (\$295,899)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas PTA – <i>Texas PTA Clean School Buses</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 214 – Corpus Christi-Victoria (<i>Nueces County preferred</i>)</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Director of Finance  
Texas PTA  
408 W. 11<sup>th</sup> Street  
Austin, Texas 78701

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

Valero Refining-Texas, L.P.  
Agreed Order - Attachment A

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## **5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

## **6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## **7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b> 20-Apr-2009	<b>Screening</b> 27-Apr-2009	<b>EPA Due</b> 9-Jan-2010
	<b>PCW</b> 6-Jun-2011		

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Valero Refining Texas, L.P. (Plant 1)		
<b>Reg. Ent. Ref. No.</b>	RN100214386		
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	39831	<b>No. of Violations</b>	3
<b>Docket No.</b>	2010-0924-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Trina Grieco
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>		\$0	<b>Maximum</b> \$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$250,200
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	112.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$280,224
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**Notes** Enhancement for three NOV's with same or similar violations, 12 NOV's with dissimilar violations, one 1660 Agreed Order and one Court Order with a denial of liability, and one Findings Order without a denial of liability. Reduction for two notices of audits.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$50
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$784  
Approx. Cost of Compliance \$5,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$530,374
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	47.2%	<b>Adjustment</b>	\$250,200
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes** The Executive Director recommends an upward adjustment due to the significant amount of emissions alleged in Violation No. 2.

<b>Final Penalty Amount</b>	\$780,574
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$568,564
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$568,564
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Screening Date 27-Apr-2009

Docket No. 2010-0924-AIR-E

PCW

Respondent Valero Refining-Texas, L.P. (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 39831

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100214386

Media [Statute] Air

Enf. Coordinator Trina Grieco

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 112%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for three NOVs with same or similar violations, 12 NOVs with dissimilar violations, one 1660 Agreed Order and one Court Order with a denial of liability, and one Findings Order without a denial of liability. Reduction for two notices of audits.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 112%

Screening Date 27-Apr-2009

Docket No. 2010-0924-AIR-E

PCW

Respondent Valero Refining-Texas, L.P. (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 39831

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100214386

Media [Statute] Air

Enf. Coordinator Trina Grleco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1), (b) and (c) and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to submit the initial notification and final report for an emissions event initially reported as two incidents (Incident Nos. 118109 and 111485) in a timely manner. Specifically, the initial notification for the event that was discovered on May 27, 2008 was not reported until December 24, 2008 (as Incident No. 118109) after the identification of an error in calculations determined that the event was reportable. The final report for Incident No. 118109 was submitted on January 7, 2009. In December 2008, it was also determined that the incident reported as Incident No. 111485, with an end date of September 3, 2008, was a continuation of Incident No. 118109.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 2

212 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended based on the two late reports.

## Good Faith Efforts to Comply

25.0%

Reduction

\$50

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions by January 7, 2009, prior to the April 14, 2009 NOE.

Violation Subtotal \$150

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$54

Violation Final Penalty Total \$550

This violation Final Assessed Penalty (adjusted for limits) \$550

# Economic Benefit Worksheet

**Respondent** Valero Refining-Texas, L.P. (Plant 1)  
**Case ID No.** 39831  
**Reg. Ent. Reference No.** RN100214386  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	27-May-2008	7-Jan-2009	0.62	\$46	n/a	\$46
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-May-2008	31-Dec-2008	0.60	\$7	n/a	\$7

Notes for DELAYED costs

Estimated expense to submit a timely initial notification and final report and to implement measures designed to ensure the proper reporting of emissions events. The Date Required is the start date of the emissions event. The Final Dates are the date that the initial notification and final report were submitted (January 7, 2009) and the date that emissions events calculating and reporting procedures were reviewed, updated, and implemented (December 31, 2008).

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$54

Screening Date 27-Apr-2009

Docket No. 2010-0924-AIR-E

PCW

Respondent Valero Refining-Texas, L.P. (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 39831

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100214386

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 116.715(a) and (c)(7), Tex. Health &amp; Safety Code § 382.085(b) and Flexible Permit Nos. 38754 and PSDTX324M13, Special Conditions No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 897,677 pounds ("lbs") of volatile organic compounds ("VOCs"), including 14,615 lbs of hazardous air pollutants ("HAPs"), from a leak in a product exchanger (Equipment No. 22-E-07) in the Heavy Oil Cracking ("HOC") Unit Cooling Tower during an emissions event (one event reported as Incident Nos. 111485 and 118109) that began May 27, 2008 and lasted 2,382 hours. The leak was discovered on May 27, 2008 and repaired September 3, 2008. The cause of the leak could not be determined based on information provided. Since this emissions event was determined to be excessive and it was improperly reported, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to a significant amount of pollutants that exceed levels protective of human health or environmental receptors.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events

15

100

Number of violation days

mark only one  
with an x

daily	
weekly	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$150,000

Fifteen weekly events are recommended based on the May 27, 2008 through September 3, 2008 emissions event (2,382 hours).

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

x (mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$784

Violation Final Penalty Total \$468,014

This violation Final Assessed Penalty (adjusted for limits) \$468,014

# Economic Benefit Worksheet

Respondent: Valero Refining-Texas, L.P. (Plant 1)  
 Case ID No. 39831  
 Reg. Ent. Reference No. RN100214386  
 Media: Air  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	27-May-2008	15-Jul-2011	3.13	\$784	n/a	\$784

Notes for DELAYED costs

Estimated expense to implement measures designed to ensure the proper maintenance of product exchangers in the HOC Unit Cooling Tower. The Date Required is the date of the emissions event. The Final Date is the estimated date that corrective measures will be completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$784

Screening Date 27-Apr-2009

Docket No. 2010-0924-AIR-E

PCW

Respondent Valero Refining-Texas, L.P. (Plant 1)

Policy Revision 2 (September 2002)

Case ID No. 39831

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100214386

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 116.715(a) and (c)(7), Tex. Health &amp; Safety Code § 382.085(b) and Flexible Permit Nos. 38754 and PSDTX324M13, Special Conditions No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 245,159 lbs of VOCs, including 51,829 lbs of HAPs, from a leak in a product exchanger (Equipment No. 22-E-18B) in the HOC Unit Cooling Tower during an emissions event (Incident No. 114252) that began September 18, 2008 and lasted 229 hours and 30 minutes. The cause of the leak could not be determined based on information provided. Since this emissions event was determined to be excessive, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to a significant amount of pollutants that exceed levels protective of human health or environmental receptors. On the days during and immediately following the event, ozone levels in Corpus Christi were the highest measured in calendar year 2008.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events 10

10 Number of violation days

mark only one  
with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$100,000

Ten daily events are recommended based on the September 18, 2008 through September 28, 2008 emissions event (229 hours and 30 minutes).

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$312,009

This violation Final Assessed Penalty (adjusted for limits) \$100,000



# Economic Benefit Worksheet

Respondent: Valero Refining-Texas, L.P. (Plant 1)  
 Case ID No. 39831  
 Reg. Ent. Reference No. RN100214386  
 Media: Air  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to implement measures designed to ensure the proper maintenance of product exchangers in the HOC Unit Cooling Tower included in the Economic Benefit for Violation No. 2.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	1-Jun-2010	<b>Screening</b>	7-Jun-2010	<b>EPA Due</b>	
	<b>PCW</b>	6-Jun-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Valero Refining-Texas, L.P. (Plant 2)		
<b>Reg. Ent. Ref. No.</b>	RN100238385		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	39831	<b>No. of Violations</b>	3
<b>Docket No.</b>	2010-0924-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Trina Grieco
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$12,600
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	409.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$51,534
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**Notes**  
Enhancement for 15 NOVs with same/similar violations, 14 NOVs with dissimilar violations, nine agreed orders containing a denial of liability, four agreed orders without denial of liability, and one court order. Reduction for four notices of audits.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes**  
The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$660  
Approx. Cost of Compliance \$8,600  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$64,134
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$64,134
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$23,234
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$23,234
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Screening Date 7-Jun-2010

Docket No. 2010-0924-AIR-E

PCW

Respondent Valero Refining-Texas, L.P. (Plant 2)

Policy Revision 2 (September 2002)

Case ID No. 39831

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Trina Grieco

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	15	75%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other:	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 409%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for 15 NOVs with same/similar violations, 14 NOVs with dissimilar violations, nine agreed orders containing a denial of liability, four agreed orders without denial of liability, and one court order. Reduction for four notices of audits.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 409%

Screening Date 7-Jun-2010

Docket No. 2010-0924-AIR-E

PCW

Respondent Valero Refining-Texas, L.P. (Plant 2)

Policy Revision 2 (September 2002)

Case ID No. 39831

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Tex. Health &amp; Safety Code § 382.085(b), and Flexible Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 553.8 pounds ("lbs") of nitrogen oxides, 31,498 lbs of sulfur dioxide ("SO2"), 120.7 lbs of ammonia, 4,000.4 lbs of carbon monoxide, 1,259.5 lbs of hydrogen sulfide ("H2S"), and 37,597.4 lbs of volatile organic compounds were released into the atmosphere due to the failure of a coupling on a crude charge pump to the No. 3 Crude Unit during startup that resulted in a fire (Incident No. 133651). The emissions event that occurred on December 24, 2009, lasted three hours and 56 minutes. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to a significant amount of pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation. Screen3 modeling results predicted that the fence line ambient air concentrations exceeded the 1-hour Effects Screening Levels by 1.3 times for cresols, which are hazardous air pollutants.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

One daily event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$389

Violation Final Penalty Total \$50,900

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P. (Plant 2)  
 Case ID No. 39831  
 Reg. Ent. Reference No. RN100238385  
 Media Air  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	24-Dec-2009	15-Jul-2011	1.56	\$389	\$389

Notes for DELAYED costs

Estimated cost to prevent coupling failure on the crude charge pump. The required date is the date of the emissions event. The final date is based on the date corrective actions are expected to be completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$389

Screening Date 7-Jun-2010

Docket No. 2010-0924-AIR-E

PCW

Respondent Valero Refining-Texas, L.P. (Plant 2)

Policy Revision 2 (September 2002)

Case ID No. 39831

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to include the compound descriptive types in the final report. Specifically, the Respondent did not include all individually listed contaminants from all emission points involved in the emissions event for Incident No. 133651.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

X (mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$509

This violation Final Assessed Penalty (adjusted for limits) \$509

# Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P. (Plant 2)

Case ID No. 39831

Reg. Ent. Reference No. RN100238385

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$100	7-Jan-2010	15-Jul-2011	1.52	\$8	\$8

Notes for DELAYED costs

Estimated cost to ensure that reportable emissions event notifications identify the compound descriptive type of all air contaminants. The date required is the date the final report was submitted. The final date is the date corrective actions are expected to be completed.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$8

Screening Date 7-Jun-2010

Docket No. 2010-0924-AIR-E

PCW

Respondent Valero Refining-Texas, L.P. (Plant 2)

Policy Revision 2 (September 2002)

Case ID No. 39831

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238385

Media [Statute] Air

Enf. Coordinator Trina Greco

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Tex. Health & Safety Code § 382.085(b), and Flexible Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 1,999,90 lbs of SO<sub>2</sub> and 21.66 lbs of H<sub>2</sub>S were released into the atmosphere due to the pressure build-up in the No. 2 Tail Gas Unit Absorber which resulted in amine carryover from the tower (Incident No. 134380). The emissions event, which began on January 12, 2010, lasted 48 hours. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$263

Violation Final Penalty Total \$12,725

This violation Final Assessed Penalty (adjusted for limits) \$12,725

# Economic Benefit Worksheet

Respondent: Valero Refining-Texas, L.P. (Plant 2)  
 Case ID No. 39831  
 Reg. Ent. Reference No. RN100238385  
 Media Air  
 Violation No. 3

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,500	12-Jan-2010	15-Jul-2011	1.50	\$263	n/a	\$263

Notes for DELAYED costs

Estimated cost to prevent pressure build-up in the No. 2 Tail Gas Unit Absorber. The date required is the date of the emissions event. The final date is based on the date corrective actions are expected to be completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$263

# Compliance History Report

Customer/Respondent/Owner-Operator:

CN600127468

Valero Refining-Texas, L.P.

Classification: AVERAGE

Rating: 10.27

Regulated Entity:

RN100238385

VALERO REFINING TEXAS CITY

Classification: AVERAGE

Site Rating: 7.60

REFINERY

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0073P
AIR OPERATING PERMITS	PERMIT	1253
AIR OPERATING PERMITS	PERMIT	2599
AIR OPERATING PERMITS	PERMIT	2599
WASTEWATER	PERMIT	TPDES0006009
WASTEWATER	PERMIT	WQ0000449000
WASTEWATER	PERMIT	TX0006009
AIR NEW SOURCE PERMITS	REGISTRATION	92271
AIR NEW SOURCE PERMITS	PERMIT	39142
AIR NEW SOURCE PERMITS	REGISTRATION	42395
AIR NEW SOURCE PERMITS	REGISTRATION	42394
AIR NEW SOURCE PERMITS	REGISTRATION	48330
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0073P
AIR NEW SOURCE PERMITS	PERMIT	962
AIR NEW SOURCE PERMITS	PERMIT	8352
AIR NEW SOURCE PERMITS	REGISTRATION	53530
AIR NEW SOURCE PERMITS	EPA ID	PSDTX822
AIR NEW SOURCE PERMITS	REGISTRATION	75542
AIR NEW SOURCE PERMITS	REGISTRATION	75695
AIR NEW SOURCE PERMITS	AFS NUM	4816700007
AIR NEW SOURCE PERMITS	EPA ID	PSDTX822M2
AIR NEW SOURCE PERMITS	REGISTRATION	71076
AIR NEW SOURCE PERMITS	REGISTRATION	72517
AIR NEW SOURCE PERMITS	REGISTRATION	73799
AIR NEW SOURCE PERMITS	REGISTRATION	76530
AIR NEW SOURCE PERMITS	REGISTRATION	76967
AIR NEW SOURCE PERMITS	REGISTRATION	77806
AIR NEW SOURCE PERMITS	REGISTRATION	79850
AIR NEW SOURCE PERMITS	REGISTRATION	79881
AIR NEW SOURCE PERMITS	REGISTRATION	80059
AIR NEW SOURCE PERMITS	REGISTRATION	80581
AIR NEW SOURCE PERMITS	REGISTRATION	81005
AIR NEW SOURCE PERMITS	REGISTRATION	81523
AIR NEW SOURCE PERMITS	REGISTRATION	81621
AIR NEW SOURCE PERMITS	REGISTRATION	81695
AIR NEW SOURCE PERMITS	REGISTRATION	82055
AIR NEW SOURCE PERMITS	REGISTRATION	84258
AIR NEW SOURCE PERMITS	REGISTRATION	87844
AIR NEW SOURCE PERMITS	REGISTRATION	87694
AIR NEW SOURCE PERMITS	REGISTRATION	83921
AIR NEW SOURCE PERMITS	REGISTRATION	82462
AIR NEW SOURCE PERMITS	REGISTRATION	84166
AIR NEW SOURCE PERMITS	REGISTRATION	84575
AIR NEW SOURCE PERMITS	REGISTRATION	82434
AIR NEW SOURCE PERMITS	REGISTRATION	91499
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30011
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD000792937
WASTE WATER GENERAL PERMIT	PERMIT	TXG670007
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GB0073P



Location: 1301 LOOP 197 S, TEXAS CITY, TX, 77590  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: June 02, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: June 02, 2005 to June 02, 2010  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Roshondra Lowe Phone: 767-3553

#### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

#### Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.  
Effective Date: 11/23/2005 COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PA

Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142/PSDTX822M2, SC#1 PERMIT

Description: Failed to prevent a leak in a heat exchanger (E-1338 ).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142/ PSD-TX-822M2 PERMIT

Description: Valero failed to prevent a back-up pump from tripping off.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent an avoidable emissions event.

Effective Date: 10/19/2006

ADMINORDER 2006-0549-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 05/11/2007

ADMINORDER 2006-0012-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to install continuous emissions monitoring systems ("CEMS") on boilers B-07 and B-11 by March 31, 2005.

Effective Date: 08/23/2007

ADMINORDER 2006-1067-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit No. 39142, SC1 PERMIT

Description: As evidenced by Findings of Fact No. 12, Valero failed to prevent unauthorized emissions that exceeded the fence line H2S concentration limit during an emissions event that started on October 4, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent an overpressure condition resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to maintain calibration of a level indicator resulting in unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit final report no later than two weeks after end of emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit a final report no later than two weeks after the end of an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142 SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a tank overflow resulting in unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to provide preconstruction authorization number on final report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 11/19/2007

ADMINORDER 2006-0468-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions from Flare Nos. 2 and 3 (EPN EFL-02 and EFL-03) during an emissions event which occurred on October 13, 2005 in the Utilities Unit and lasted 2 hours and 15 minutes, as documented during a record review conducted on February 8, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions from Flare Nos. 2, 3 and 4 (EPN EFL-02, EFL-03 and EFL-04) during an emissions event which occurred on November 28, 2005 in the Utilities Unit and lasted 24 hours and 29 minutes, as documented during a record review conducted on January 25, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative

defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions from the Incinerator Stack (EPN EG-18-1403) during an emissions event which occurred on September 20, 2005 in the Gas-Oil Hydrotreater (GOHT) Unit (PRU) and lasted 55 hours, as documented during an investigation conducted on November 29, 2005. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142 PA

Description: Failed to prevent unauthorized emissions during a September 25, 2006 emissions event, as documented during a record review conducted on November 29, 2006. Specifically, during the September 25, 2006 emissions event the following unauthorized emissions were released from the No. 2 and No. 3 Flare over a period of fifty-five minutes: 2,101 lbs of sulfur dioxide, 328.5 lbs of volatile organic compounds, 191 lbs of carbon monoxide, and 26.4 lbs of nitrogen oxides.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60; SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions and failure to operate a flare with a flame present during an October 14, 2006 emissions event, as documented during a record review conducted on December 13, 2006. Specifically, on October 14, 2006 through October 15, 2006, over a period of 4 hours and 14 minutes, Flare No. 3 (EPN EFL-03) located in the Utilities Unit, emitted 1,333.4 lbs of ethylene and 1,394.5 lbs of propane. Flexible Air Permit No. 39142 does not authorize any upset emissions.

Effective Date: 06/19/2008

ADMINORDER 2007-1512-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions during a May 9, 2007 emissions event, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.

Effective Date: 07/03/2008

ADMINORDER 2007-2039-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Boiler 27 [emission point number ("EPN EB-27")], Boiler 28 ("EPN EB-28"), No. 1 Flare Stack ("EPN EFL-01"), No. 2 Flare Stack ("EPN EFL-02"), No. 3 Flare Stack ("EPN EFL-03"), and No. 4 Flare Stack ("EPN EFL-04").

Effective Date: 12/04/2008

ADMINORDER 2008-0893-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 39142, Special Condition No. 1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 02/08/2009

ADMINORDER 2008-1341-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: Valero failed to maintain the lube oil level in the compressor mainframe reservoir.

Effective Date: 02/22/2009

ADMINORDER 2007-1234-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: #39142, SC #1 PA

Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions during Incident Nos. 62478 and 62479, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions were avoidable and excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.

Effective Date: 08/23/2009

ADMINORDER 2007-1813-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Valero failed to prevent unauthorized emissions during a December 11, 2006 emissions event in the Toppers Unit, No. 3 Crude Unit, Fluidized Catalytic Cracking Unit, Alkylation Unit, Utilities Unit, and the Delayed Coker Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC 1 PA

Description: Valero failed to prevent unauthorized emissions during a January 19, 2007 emissions event in the Fluidized Catalytic Cracking Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense

under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Valero failed to prevent unauthorized emissions during an emissions event in the No. 1 and 2 Toppers Unit that started on January 28, 2007, in violation of Air Permit No. 39142, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS § 60.18(b), 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PERMIT

Description: Valero failed to prevent unauthorized emissions during a March 4, 2007 emissions event in the Sats Gas Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS § 60.18(b), 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Effective Date: 09/21/2009

ADMINORDER 2009-0448-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Conditon No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Failure to prevent Level Indicator LI-15142 on A-82 Vacuum Tower from malfunctioning.

Effective Date: 10/31/2009

ADMINORDER 2007-1413-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii).

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 2A PERMIT

NSR 39142, SC 4A PERMIT

Title V O-01253, SC 1A OP

Title V O-01253, SC 22 OP

Description: Failed to maintain the net heating value of the gas being combusted by assisted flares at 300 British thermal units per standard cubic foot ("Btu/scf") or greater.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 2A PERMIT

NSR 39142, SC 4A PERMIT

Title V O-01253, SC 1A OP

Title V O-01253, SC 22 OP

Description: Failed to operate an assisted flare with an exit velocity of less than 60 feet per second ("ft/sec").

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 13C PERMIT

NSR 39142, SC 2A PERMIT

NSR 39142, SC 4A PERMIT

Title V O-01253, SC 1A OP

Title V O-01253, SC 22 OP

Description: Failed to operate flares with visible emissions not to exceed five minutes during any consecutive two hour period.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1566(a)(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Title V O-01253, SC 1A OP

Description: Failed to maintain the daily average combustion zone temperature of Reformer Heater H-REF2 above 1279.3 degrees Fahrenheit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 2C PERMIT

Title V O-01253, SC 1A OP

Title V O-01253, SC 22 OP

Description: Failed to prevent the discharge of sulfur dioxide ("SO2") to the atmosphere in excess of 250 parts per million ("ppm").

Effective Date: 01/28/2010

ADMINORDER 2009-1314-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Valero failed to prevent a flashover on Gas Circuit Breaker #3 (GCB #3), which resulted in power loss at the refinery.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/14/2005	(373350)
2	06/14/2005	(378741)
3	06/14/2005	(419708)
4	06/23/2005	(378628)
5	06/27/2005	(397418)
6	06/28/2005	(348790)
7	06/30/2005	(397555)
8	07/07/2005	(399131)
9	07/13/2005	(399194)
10	07/15/2005	(348789)
11	07/22/2005	(397707)
12	07/22/2005	(440845)
13	08/02/2005	(348759)
14	08/03/2005	(403101)
15	08/03/2005	(403276)
16	08/08/2005	(403521)
17	08/08/2005	(403525)
18	08/10/2005	(396623)
19	08/13/2005	(397699)
20	08/13/2005	(400189)
21	08/17/2005	(400929)
22	08/18/2005	(406027)
23	08/19/2005	(396740)
24	08/22/2005	(406017)
25	08/23/2005	(440846)
26	08/24/2005	(400925)
27	08/29/2005	(406800)
28	09/01/2005	(400337)
29	09/23/2005	(440847)
30	10/20/2005	(468457)
31	11/22/2005	(468458)
32	12/06/2005	(438942)
33	12/20/2005	(468459)
34	12/28/2005	(449585)
35	12/29/2005	(439223)
36	12/29/2005	(449459)
37	01/17/2006	(431818)
38	01/24/2006	(468460)
39	01/30/2006	(440131)
40	02/01/2006	(451967)
41	02/15/2006	(439989)
42	02/17/2006	(439355)
43	02/17/2006	(468454)
44	02/21/2006	(455248)
45	03/16/2006	(455002)
46	03/21/2006	(468455)
47	03/29/2006	(453666)
48	03/31/2006	(434168)
49	04/13/2006	(468456)
50	04/26/2006	(457610)
51	04/27/2006	(460539)
52	05/08/2006	(453710)
53	05/11/2006	(461750)
54	05/15/2006	(462815)
55	05/17/2006	(464808)

56	05/18/2006	(498220)
57	05/25/2006	(457878)
58	05/31/2006	(463733)
59	06/16/2006	(498221)
60	06/27/2006	(481343)
61	06/30/2006	(462803)
62	06/30/2006	(462898)
63	06/30/2006	(481516)
64	06/30/2006	(483867)
65	07/06/2006	(482247)
66	07/14/2006	(486365)
67	07/15/2006	(486391)
68	07/17/2006	(479861)
69	07/18/2006	(498222)
70	07/19/2006	(482178)
71	07/19/2006	(483638)
72	07/19/2006	(483715)
73	07/21/2006	(487175)
74	07/21/2006	(487390)
75	07/21/2006	(487892)
76	07/25/2006	(488179)
77	07/26/2006	(462901)
78	07/26/2006	(482594)
79	08/10/2006	(520234)
80	08/25/2006	(488734)
81	09/01/2006	(466735)
82	09/01/2006	(466736)
83	09/01/2006	(478491)
84	09/01/2006	(478556)
85	09/01/2006	(478638)
86	09/01/2006	(487342)
87	09/01/2006	(487896)
88	09/01/2006	(488020)
89	09/01/2006	(488032)
90	09/01/2006	(488134)
91	09/01/2006	(488176)
92	09/01/2006	(488191)
93	09/01/2006	(488541)
94	09/01/2006	(488559)
95	09/01/2006	(488624)
96	09/01/2006	(488633)
97	09/01/2006	(488740)
98	09/01/2006	(488979)
99	09/01/2006	(489434)
100	09/01/2006	(489467)
101	09/01/2006	(489815)
102	09/01/2006	(489837)
103	09/01/2006	(489863)
104	09/01/2006	(489866)
105	09/01/2006	(490185)
106	09/01/2006	(508690)
107	09/01/2006	(509158)
108	09/01/2006	(509713)
109	09/01/2006	(509730)
110	09/01/2006	(509756)
111	09/01/2006	(509784)
112	09/18/2006	(520235)
113	09/27/2006	(512555)
114	09/28/2006	(509876)



115	10/11/2006	(514061)
116	10/19/2006	(520236)
117	10/23/2006	(512981)
118	10/31/2006	(517239)
119	11/07/2006	(516594)
120	11/13/2006	(518837)
121	11/15/2006	(519473)
122	11/15/2006	(544546)
123	11/21/2006	(519775)
124	12/13/2006	(544547)
125	12/18/2006	(345058)
126	12/21/2006	(532369)
127	12/21/2006	(532370)
128	01/16/2007	(534075)
129	01/19/2007	(532751)
130	01/19/2007	(544548)
131	02/07/2007	(536972)
132	02/09/2007	(534096)
133	02/14/2007	(544545)
134	03/15/2007	(531898)
135	03/15/2007	(533196)
136	03/15/2007	(575352)
137	03/23/2007	(543996)
138	04/02/2007	(539574)
139	04/05/2007	(543902)
140	04/09/2007	(543124)
141	04/09/2007	(555314)
142	04/10/2007	(543795)
143	04/11/2007	(556037)
144	04/11/2007	(556038)
145	04/17/2007	(575353)
146	04/30/2007	(556603)
147	04/30/2007	(556624)
148	04/30/2007	(557962)
149	05/08/2007	(555995)
150	05/10/2007	(559617)
151	05/10/2007	(559619)
152	05/10/2007	(559620)
153	05/11/2007	(558768)
154	05/14/2007	(555999)
155	05/14/2007	(558769)
156	05/14/2007	(559618)
157	05/20/2007	(575354)
158	05/31/2007	(542320)
159	06/01/2007	(561100)
160	06/04/2007	(561098)
161	06/20/2007	(575355)
162	06/22/2007	(561101)
163	07/03/2007	(566302)
164	07/09/2007	(564575)
165	07/11/2007	(431249)
166	07/20/2007	(575356)
167	07/23/2007	(531864)
168	07/31/2007	(564508)
169	08/10/2007	(512666)
170	08/10/2007	(564206)
171	08/10/2007	(564225)
172	08/20/2007	(607555)
173	08/24/2007	(570706)

174	08/24/2007	(570707)
175	09/20/2007	(607556)
176	10/02/2007	(572268)
177	10/05/2007	(572254)
178	10/05/2007	(595008)
179	10/09/2007	(594109)
180	10/10/2007	(595720)
181	10/11/2007	(567830)
182	10/11/2007	(568141)
183	10/11/2007	(568182)
184	10/11/2007	(568234)
185	10/11/2007	(593936)
186	10/12/2007	(572190)
187	10/12/2007	(572204)
188	10/12/2007	(572244)
189	10/15/2007	(593466)
190	10/16/2007	(568501)
191	10/17/2007	(595009)
192	10/19/2007	(607557)
193	11/15/2007	(619522)
194	11/16/2007	(568445)
195	11/19/2007	(571858)
196	11/19/2007	(595089)
197	11/19/2007	(597629)
198	11/19/2007	(597934)
199	11/19/2007	(598398)
200	11/27/2007	(571671)
201	12/05/2007	(609936)
202	12/17/2007	(619523)
203	12/21/2007	(600245)
204	01/18/2008	(619524)
205	01/30/2008	(613666)
206	02/20/2008	(672044)
207	03/03/2008	(637489)
208	03/14/2008	(672045)
209	03/25/2008	(616898)
210	04/18/2008	(672046)
211	04/25/2008	(636923)
212	05/15/2008	(637714)
213	05/16/2008	(689958)
214	05/23/2008	(638602)
215	06/06/2008	(682334)
216	06/19/2008	(689959)
217	07/07/2008	(657176)
218	07/08/2008	(670867)
219	07/18/2008	(689960)
220	07/21/2008	(682766)
221	07/21/2008	(684727)
222	07/30/2008	(687563)
223	08/11/2008	(688850)
224	08/14/2008	(710740)
225	08/18/2008	(687788)
226	09/19/2008	(710741)
227	09/20/2008	(686586)
228	10/16/2008	(671077)
229	10/16/2008	(671086)
230	10/17/2008	(710742)
231	10/24/2008	(687335)
232	10/27/2008	(686049)

233	10/27/2008	(686129)
234	10/27/2008	(686138)
235	10/28/2008	(686938)
236	10/29/2008	(686783)
237	10/29/2008	(686930)
238	11/17/2008	(727485)
239	11/20/2008	(703368)
240	12/08/2008	(687448)
241	12/15/2008	(686189)
242	12/15/2008	(721180)
243	12/16/2008	(701325)
244	12/17/2008	(700705)
245	12/17/2008	(701512)
246	12/17/2008	(703349)
247	12/18/2008	(727486)
248	12/18/2008	(727487)
249	01/06/2009	(689065)
250	01/06/2009	(706089)
251	01/20/2009	(706090)
252	02/04/2009	(704245)
253	02/04/2009	(725522)
254	02/05/2009	(723030)
255	02/12/2009	(684569)
256	02/16/2009	(700894)
257	02/16/2009	(726273)
258	02/16/2009	(750275)
259	02/20/2009	(702755)
260	03/11/2009	(750276)
261	03/18/2009	(726731)
262	03/20/2009	(725138)
263	03/27/2009	(726604)
264	04/10/2009	(741302)
265	04/16/2009	(750277)
266	04/24/2009	(739887)
267	05/04/2009	(741618)
268	05/12/2009	(768371)
269	05/12/2009	(768373)
270	05/18/2009	(742104)
271	05/18/2009	(742106)
272	05/19/2009	(704309)
273	06/10/2009	(747592)
274	06/12/2009	(768372)
275	06/15/2009	(749180)
276	07/16/2009	(749643)
277	07/21/2009	(745746)
278	07/21/2009	(747426)
279	07/21/2009	(747606)
280	07/21/2009	(747870)
281	07/21/2009	(747871)
282	07/21/2009	(748463)
283	07/21/2009	(749055)
284	07/21/2009	(749736)
285	07/24/2009	(747873)
286	07/27/2009	(748462)
287	08/04/2009	(746919)
288	08/04/2009	(763276)
289	08/12/2009	(747867)
290	08/13/2009	(741161)
291	08/13/2009	(747864)

292	08/13/2009	(765709)
293	08/14/2009	(759251)
294	08/14/2009	(765330)
295	08/20/2009	(804672)
296	08/21/2009	(759999)
297	08/28/2009	(765498)
298	09/02/2009	(748460)
299	09/02/2009	(761012)
300	09/04/2009	(749814)
301	09/16/2009	(762161)
302	09/17/2009	(749687)
303	09/17/2009	(804673)
304	09/28/2009	(748457)
305	10/08/2009	(760318)
306	10/12/2009	(763115)
307	10/20/2009	(804674)
308	10/21/2009	(565970)
309	11/19/2009	(804675)
310	11/20/2009	(747602)
311	11/23/2009	(779180)
312	12/17/2009	(804676)
313	12/22/2009	(786019)
314	12/23/2009	(781696)
315	12/23/2009	(781948)
316	01/05/2010	(782111)
317	01/05/2010	(782355)
318	01/06/2010	(784275)
319	01/15/2010	(785848)
320	01/15/2010	(785874)
321	01/15/2010	(804677)
322	01/22/2010	(747282)
323	01/26/2010	(788199)
324	01/26/2010	(788690)
325	01/26/2010	(788810)
326	01/26/2010	(788823)
327	01/27/2010	(788843)
328	01/27/2010	(788914)
329	01/29/2010	(785853)
330	02/15/2010	(804671)
331	02/19/2010	(792191)
332	02/25/2010	(747260)
333	03/19/2010	(794550)
334	03/31/2010	(794262)
335	03/31/2010	(794855)
336	05/10/2010	(801088)
337	05/10/2010	(801143)
338	05/18/2010	(801800)
339	05/21/2010	(793343)
340	05/24/2010	(786834)
341	05/24/2010	(802297)
342	05/25/2010	(797648)
343	05/28/2010	(824427)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/10/2005 (396623)

CN600127468

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 39142, Special Condition No. 1 PA  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Valero failed to control hydrocarbon carryover from the Delayed Coker Unit into the Amine Unit.

Date: 10/31/2005 (468458) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (468459) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (468460) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (451967) CN600127468  
Self Report? NO Classification: Moderate  
Citation: No. 00449-000 Page 7, No. 2g PERMIT  
TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent unauthorized discharges of solids and oil into waters of the State.

Self Report? NO Classification: Moderate  
Citation: 00449-000 Page 2, No. 1 & Page 2d, no. 1 PERMIT  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with the self-monitored, permitted effluent limits for Total Suspended Solids, Oil & Grease, and Total Zinc.

Date: 02/21/2006 (455248)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
No. 39142 PA

Description: Exceeded permit limits during an avoidable emissions event.

Date: 04/30/2006 (498220) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (481516) CN600127468  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
39142, SC No. 1 PA  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions from flaring.

Date: 06/30/2006 (483867) CN600127468  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(2)  
Description: RE exceeded the NH3 emission limit of 10 ppm set forth in 30 TAC 117.206(e)(2).

Date: 09/29/2006 (509876) CN600127468  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
39142, SC No. 1 PA  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/31/2007 (544545) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2007 (575353) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/04/2007 (539574) CN600127468  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
39142, SC No. 1 PA  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Exceeded permit limits during an avoidable emissions event.

Date: 04/10/2007 (543996) CN600127468  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
39142, SC No. 1 PA  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Exceeded permit limits during an avoidable emissions event.

Date: 06/04/2007 (561098) CN600127468  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
39142, SC No. 1 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failure to exercise good maintenance practices.

Date: 06/30/2007 (575356) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2007 (607555) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007 (619522) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/16/2008 (567857) CN600127468  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Title V O-01253; SC 1.A. OP

Description: failed to submit written notification of the performance test for Boiler B-26 within 15 days after the testing was conducted on December 13, 2005

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1A OP

Description: failed to submit written notification of the continuous emissions monitoring system (CEMS) relative accuracy test audit (RATA) within 15 days after the testing was conducted

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(6)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to maintain records of hours of operation for Engines DE-07, DE-08, DE-24, and DE-27

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to maintain records of each time the engine is operated for testing and maintenance for Engines

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to meet the CO emission limit of 3.0 g/hp-hr for Engines

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 21. OP

Description: failed to conduct monthly opacity observations for Stacks

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
NSR 39142; SC 13.D. PERMIT  
Title V O-01253; SC 22. OP

Description: failed to retain records of the vent stream flows to flares

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to install O2 CEMS for H-13-1421 by the deadline of March 31, 2005

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(e)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to install CO CEMS for H-13-1421 by the deadline of March 31, 2005 as specified in 30 TAC 117.9020(2)(A)(i)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. & 10.F. OP

Description: failed to continuously monitor CO and NOx emissions from Heater H-13-1480 on December 12, 2005

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(3)

5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to have valid hourly average data of SO<sub>2</sub> emissions  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Title V O-01253; SC 1.A. OP

Description: failed to properly perform fugitive monitoring of components in highly-reactive volatile organic compound (HRVOC) in September 2005  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1A OP

Description: failed to maintain the firing rate limits, which were established as a surrogate parameter to the CO emission limit of 400 ppmvd, for Boilers B-7 and B-11  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1.M.(i) OP

Description: failed to meet the hourly firing rate limits for boilers and heaters  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(b)(1)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 16.D. OP

Description: failed to notify the Administrator in writing of the intention to conduct performance tests for Boilers B-27 and B-28  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1.A. OP

Description: failed to follow the operating restrictions between 6 a.m. and noon for engines  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter G 117.8040(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1.A. OP

Description: failed to conduct quarterly sampling for NO<sub>x</sub> and CO emissions from Engines DE-27 and DE-34  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1.A. OP

Description: failed to install a totalizing fuel flow meter on Engine DE-27  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
5C THSC Chapter 382 382.085(b)  
NSR Permit 39142, SC 16.H. PERMIT  
Title V Permit O-01253, SC 1.A. OP  
Title V Permit O-01253, SC 22. OP

Description: failed to repair eight valves and one flange within 15 calendar days  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)



5C THSC Chapter 382 382.085(b)  
 NSR Permit 39142, SC 16.E. PERMIT  
 Title V Permit O-01253, SC 1.A, OP  
 Title V Permit O-01253, SC 22. OP

Description: failed to equip eleven open-ended lines with a plug, a cap, or a second valve.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1.A. OP

Description: failed to conduct monthly visual or physical inspections on 28 process drains  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(c)(6)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1.A. OP

Description: failed to conduct monthly monitoring on three pumps in light liquid service  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1.A. OP

Description: failed to take manual samples for flares  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1.A. OP

Description: failed to continuously monitor the Fluidized Catalytic Cracking Unit (FCCU) Coke Burn Rate  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 NSR Permit 39142, SC 67 PERMIT  
 Title V Permit O-01253, SC 22 OP

Description: failed to keep records of the opacity of emissions from the fluid catalytic cracking unit (FCCU) scrubber stack G-001 on May 14, 2006  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1A OP

Description: failed to maintain a gauge/sample hatch on Tank T-321 sealed completely  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)(2)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1A OP

Description: ) failed to use the span value of 500 ppm for nitrogen oxides on the North Cogen (B-15/T-252) continuous emission monitoring system  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(d)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1A OP

Description: failed to keep records required by Table 21 for catalytic reforming unit  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)  
 5C THSC Chapter 382 382.085(b)  
 Title V Permit O-01253, SC 1A OP

Description: failed to continuously monitor H2S content in the plant fuel gas system  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1A OP

Description: failed to develop, implement, and follow a written quality assurance plan for monitoring requirements relating to HRVOV vent gas control for flares

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(1)  
5C THSC Chapter 382 382.085(b)  
NSR Permit 39142, SC 79 PERMIT  
Title V Permit O-01253, SC 1A OP  
Title V Permit O-01253, SC 22 OP

Description: failed to continuously measure and record the exhaust gas temperature of the South Plant Tail Gas Incinerator G-193 for one hour

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1569(c)(1)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1A OP

Description: failed to demonstrate continuous compliance with the work practice standards

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR Permit 39142, SC 79 PERMIT  
Title V Permit O-01253, SC 22 OP

Description: failed to keep records of the flame temperature of sulfur recovery unit (SRU) thermal reactors

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR Permit 39142, SC 79 PERMIT  
Title V Permit O-01253, SC 22 OP

Description: failed to keep records of the Sulfur Pit Sweep data

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR Permit 39142, SC 34 PERMIT  
Title V Permit O-01253, SC 22 OP

Description: failed to maintain the pH of the FCCU caustic scrubbing solution between 8.0 and 9.0

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1A OP

Description: failed to include excess emissions details for the GOHT SRU/TGU and the South Plant SRU/TGU in the submittal dated April 28, 2006

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(1)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1A OP

Description: failed to maintain the continuous parameter monitoring system for the GOHT Tail Gas Incinerator

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, SC 1A OP

Description: failed to provide notification of start of construction for Reformate Tank T-569 within 30 days following the start of the construction

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(d)  
5C THSC Chapter 382 382.085(b)  
NSR Permit 39142, SC 48 PERMIT  
Title V Permit O-01253, SC 1A OP  
Title V Permit O-01253, SC 22 OP  
Description: failed to maintain Scrubbing Liquid pH Data or Scrubbing Liquid to Gas Flow Ratio Data for VC-50

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Title V Permit O-01253, General Terms OP

Description: failed to report all instances of deviations in the deviation reports

Date: 07/09/2008 (670867)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failure to identify the permit number in the Final Report.

Date: 08/11/2008 (688850) CN600127468

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)  
5C THSC Chapter 382 382.085(b)  
FOP O-01253, Special Term & Condition 1A OP  
FOP O-01253, Special Term & Condition 22 OP  
Permit 39142, Special Condition 5D PERMIT

Description: Failure to perform primary seal inspections to Tank 478.

Date: 12/08/2008 (687448) CN600127468

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01253 SC 30A OP  
NSR 39142 SC 5 PERMIT

Description: Failure to conduct an inspection of the primary seals for the internal floating roof of tank T-301 at least every ten years.

Date: 01/06/2009 (706089)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
39142, Special Condition No. 1 PERMIT  
5C THSC Chapter 382 382.085(b)

Description: Valero failed to prevent the No. 4 Flare from losing its pilots

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)

Description: Valero failed to operate the No. 4 Flare with a flame present at all times.

Date: 04/29/2009 (738921) CN600127468

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
5C THSC Chapter 382 382.085(a)

Description: During the investigation on March 6, 2009, it was determined by Investigators Lawdermilk and Whelan that the dust from the Valero Refining Texas City Refinery contractor parking lot, between 16th and 17th Streets, Texas Avenue created a "nuisance" condition.

Date: 09/17/2009 (749687) CN600127468  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)  
5C THSC Chapter 382 382.085(b)  
Description: Valero Texas City failed to properly degas Tank 447 from 11/28/2007 through 12/03/2007.

Date: 10/31/2009 (804675) CN600127468  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/15/2010 (785848) CN600127468  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 1 PERMIT  
Description: Failure to prevent unauthorized emissions. Valero failed to prevent the shutdown of the Train 1 Flare Gas Recovery System during maintenance activities.

Date: 01/29/2010 (785853) CN600127468  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 1 PERMIT  
Description: Valero failed to maintain a flame on the No. 2 Flare Stack at all times.  
Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
Description: Valero failed to maintain a flame on the No. 2 Flare Stack at all times.

Date: 02/25/2010 (747260) CN600127468  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(v)  
5C THSC Chapter 382 382.085(b)  
FOP O-01253 STC 1A OP  
Description: Valero failed to update the Startup, Shutdown, Malfunction Plan (SSMP) at the reforming unit and FCCU Belco Scrubber.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
GTC OP  
STC 3. A (iv) and 3. B (iv) OP  
Description: Valero failed to conduct periodic monitoring of stationary vents subject to the periodic monitoring requirements.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP  
Description: Valero failed to cover a degreaser during monthly inspections.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1H OP  
Description: Valero failed to take manual sample when an analyzer on flare FL-5 and failed to calibrate flow meter probe on flare FL-2.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

FOP O-01253 STC 30 OP  
NSR 39142 SC 12D PERMIT

Description: Valero failed to operate flare flow monitors when the flow monitors at FL-3 and FL-4 were taken out of service for maintenance activities.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(b)(1)  
5C THSC Chapter 382 382.085(b)  
SC 33 PERMIT  
STC 1A OP  
STC SC 30 OP

Description: Valero failed to record and maintain data due to problems with Aspen systems when the FCCU scrubber (G-001) pH, flow rate, and coke burn rate data were lost due to DCS problems.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 33 PERMIT  
STC 30 OP

Description: Valero failed to operate within the required concentration limit when the FCCU scrubber concentration was not between 8.0 and 9.0 during off-line CEM times.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
SC 13E PERMIT  
SC 14E PERMIT

Description: Valero failed to cap 399 open-ended lines at various units across the refinery. Violation Category C10.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)  
5C THSC Chapter 382 382.085(b)  
SC 14H PERMIT  
STC 1A OP  
STC 30 OP

Description: Valero failed to comply with the first repair attempt and final repair timeline requirements for fugitive components.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)  
5C THSC Chapter 382 382.085(b)  
STC 1H (iv) OP

Description: Valero failed to operate Cooling Tower No. 4 (CT-4) flow meter 95% of the time.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 28A PERMIT  
STC 30 OP

Description: Valero failed to sample SRU for ammonia.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(6)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP

Description: Valero failed to operate diesel engine DE-27 within the allowable limits when it exceeded its exemption limit of hours on a 12 month basis.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Description: Valero failed to operate diesel engines during authorized time periods.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 SC 20 PERMIT  
 STC 30 OP

Description: Valero failed to operate Gasoil Hydrotreater (GOHT) Sulfur Recovery unit (SRU) incinerator within the required temperature limit (Category B18 violation).  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
 5C THSC Chapter 382 382.085(b)

Description: Valero failed to operate the fuel gas system within the allowable H2S limit of 0.1 grains per dry standard cubic feet (gr/dscf).

F. Environmental audits.

Notice of Intent Date: 06/02/2008 (684099)

No DOV Associated

Notice of Intent Date: 08/29/2008 (704521)

No DOV Associated

Notice of Intent Date: 01/12/2009 (735551)

No DOV Associated

Notice of Intent Date: 01/24/2010 (797835)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600127468 Valero Refining-Texas, L.P. Classification: AVERAGE Rating: 9.90  
 Regulated Entity: RN100214386 VALERO CORPUS CHRISTI REFINERY Classification: AVERAGE Site Rating: 5.35  
 WEST PLANT

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	NE0112G
	AIR OPERATING PERMITS	PERMIT	1458
	AIR OPERATING PERMITS	PERMIT	2601
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30478
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD074604166
	AIR NEW SOURCE PERMITS	PERMIT	38754
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	NE0112G
	AIR NEW SOURCE PERMITS	PERMIT	1507A
	AIR NEW SOURCE PERMITS	PERMIT	10157
	AIR NEW SOURCE PERMITS	PERMIT	10496
	AIR NEW SOURCE PERMITS	PERMIT	10642
	AIR NEW SOURCE PERMITS	PERMIT	10777
	AIR NEW SOURCE PERMITS	PERMIT	12722
	AIR NEW SOURCE PERMITS	PERMIT	12844
	AIR NEW SOURCE PERMITS	PERMIT	16552
	AIR NEW SOURCE PERMITS	PERMIT	20740
	AIR NEW SOURCE PERMITS	PERMIT	20992
	AIR NEW SOURCE PERMITS	PERMIT	23633
	AIR NEW SOURCE PERMITS	PERMIT	29272
	AIR NEW SOURCE PERMITS	PERMIT	33323
	AIR NEW SOURCE PERMITS	PERMIT	36004
	AIR NEW SOURCE PERMITS	PERMIT	37375
	AIR NEW SOURCE PERMITS	PERMIT	39505
	AIR NEW SOURCE PERMITS	PERMIT	46918
	AIR NEW SOURCE PERMITS	PERMIT	49888
	AIR NEW SOURCE PERMITS	PERMIT	55362
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX324M9
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX324M10
	AIR NEW SOURCE PERMITS	PERMIT	55688
	AIR NEW SOURCE PERMITS	AFS NUM	4835500050
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX324M11
	AIR NEW SOURCE PERMITS	REGISTRATION	71034
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX324M8
	AIR NEW SOURCE PERMITS	PERMIT	55294
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX324M12
	AIR NEW SOURCE PERMITS	REGISTRATION	77580
	AIR NEW SOURCE PERMITS	REGISTRATION	77944
	AIR NEW SOURCE PERMITS	REGISTRATION	80027
	AIR NEW SOURCE PERMITS	REGISTRATION	81549
	AIR NEW SOURCE PERMITS	REGISTRATION	84572
	AIR NEW SOURCE PERMITS	REGISTRATION	86443
	AIR NEW SOURCE PERMITS	REGISTRATION	87894
	WASTEWATER	PERMIT	WQ0001909000
	WASTEWATER	EPA ID	TPDES0063355
	WASTEWATER	PERMIT	TX0063355
	WASTEWATER LICENSING	LICENSE	WQ0001909000
	STORMWATER	PERMIT	TXR05S045

(SWR)

Location: 5900 UP RIVER RD, CORPUS CHRISTI, TX, 78407  
TCEQ Region: REGION 14 - CORPUS CHRISTI  
Date Compliance History Prepared: April 24, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: April 24, 2004 to April 24, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: John Muennink Phone: (361) 825-3423

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Description: Failed to maintain sulfate emissions from the heavy oil cracker (HOC), emission point number (EPN) 121 at levels at or below 58.3 pounds per hour.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)

Description: Failure to notify the TNRCC's regional office within 24 hours after the discovery of an upset.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to meet exemption requirements for upset emissions, resulting in unauthorized emissions.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Emission CAP Limit PERMIT  
Special Condition No. 54 PERMIT

Description: Failure to comply with General and Special conditions of Permit Nos. 38754 and PSD-TX-324M10. Specifically, unauthorized emissions of hydrogen sulfide, sulfur dioxide, and ammonia released during four emissions events that occurred on September 1, 2004.

Effective Date: 07/13/2007

ADMINORDER 2007-0028-IWD-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PC(2)(g) PERMIT

Description: Failure to prevent the unauthorized discharge of slop oil and wastewater to the environment.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov: RR(7)(a) PERMIT

Description: Failure to provide notification of the unauthorized discharge of slop oil and wastewater to the environment as required by permit WQ0001909-000.



Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(19)

Rqmt Prov: PC(1)(a) PERMIT

Description: Failure to submit correct facts and information in its Permit Application (renewal) dated May 25, 2004, and failure to notify the Executive Director of the correct facts and information.

Effective Date: 04/03/2008

ADMINORDER 2007-1483-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Air Flexible Permit No. 38754 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 35,136.47 lbs of SO<sub>2</sub>, 613.1 lbs of VOCs, 257.95 lbs of CO, 381.45 lbs H<sub>2</sub>S, 114.11 lbs NO<sub>x</sub>, 5.67 lbs of ammonia and 141.37 lbs of hexane from the Acid Gas Flare and the Main Flare during an avoidable emissions event that began February 27, 2007 and lasted 19 hrs and 40 minutes.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/26/2004	(309917)
2	04/26/2004	(309925)
3	05/18/2004	(309921)
4	06/12/2004	(309923)
5	07/01/2004	(270362)
6	07/01/2004	(277794)
7	08/17/2004	(289440)
8	08/24/2004	(357962)
9	09/16/2004	(286828)
10	09/16/2004	(357963)
11	10/20/2004	(357964)
12	10/20/2004	(357967)
13	10/22/2004	(335486)
14	11/18/2004	(357965)
15	11/23/2004	(341603)
16	12/06/2004	(342954)
17	12/20/2004	(357966)
18	01/24/2005	(347892)
19	02/16/2005	(350569)
20	02/18/2005	(385070)
21	03/07/2005	(373370)
22	03/15/2005	(373594)
23	03/17/2005	(385071)
24	04/01/2005	(376012)
25	04/18/2005	(583161)
26	05/12/2005	(380791)
27	05/18/2005	(380544)
28	05/19/2005	(583164)
29	05/25/2005	(393344)
30	06/16/2005	(395612)
31	06/20/2005	(583167)
32	06/29/2005	(397403)
33	06/29/2005	(397984)
34	06/30/2005	(395371)
35	07/01/2005	(395376)
36	07/20/2005	(583170)

37	07/22/2005	(400525)
38	07/28/2005	(402169)
39	08/13/2005	(404652)
40	08/13/2005	(404858)
41	08/19/2005	(404027)
42	08/19/2005	(405534)
43	08/19/2005	(583173)
44	08/26/2005	(406126)
45	08/29/2005	(406253)
46	08/31/2005	(400938)
47	08/31/2005	(406090)
48	09/19/2005	(583175)
49	09/21/2005	(431540)
50	09/21/2005	(432140)
51	11/18/2005	(583179)
52	12/15/2005	(583177)
53	12/19/2005	(439303)
54	12/21/2005	(583181)
55	01/20/2006	(451440)
56	01/24/2006	(583183)
57	02/01/2006	(435482)
58	02/21/2006	(583157)
59	03/01/2006	(450492)
60	03/17/2006	(583159)
61	03/27/2006	(459945)
62	04/24/2006	(583162)
63	05/23/2006	(583165)
64	06/18/2006	(583171)
65	06/21/2006	(583168)
66	07/07/2006	(485450)
67	07/12/2006	(485630)
68	08/07/2006	(481848)
69	08/14/2006	(482853)
70	08/16/2006	(497159)
71	08/16/2006	(497523)
72	08/18/2006	(583174)
73	08/23/2006	(483649)
74	08/31/2006	(450609)
75	08/31/2006	(511046)
76	09/18/2006	(583176)
77	10/20/2006	(483955)
78	10/20/2006	(583178)
79	11/02/2006	(517526)
80	11/17/2006	(583180)
81	12/13/2006	(532743)
82	12/18/2006	(583182)
83	12/20/2006	(482975)
84	01/05/2007	(535816)
85	01/11/2007	(535323)
86	01/19/2007	(583184)
87	01/24/2007	(537029)
88	02/01/2007	(538731)
89	02/08/2007	(539006)
90	02/16/2007	(540900)
91	02/16/2007	(583158)
92	03/08/2007	(540725)
93	03/19/2007	(583160)
94	04/20/2007	(583163)
95	05/15/2007	(557031)

96	05/21/2007	(583166)
97	05/22/2007	(557035)
98	06/19/2007	(583169)
99	06/29/2007	(560992)
100	07/03/2007	(566581)
101	07/11/2007	(557176)
102	07/11/2007	(566079)
103	07/18/2007	(583172)
104	07/27/2007	(567691)
105	08/08/2007	(514284)
106	08/08/2007	(539377)
107	08/28/2007	(562022)
108	09/14/2007	(565956)
109	10/02/2007	(514528)
110	10/09/2007	(595450)
111	10/15/2007	(608382)
112	10/19/2007	(596871)
113	10/22/2007	(608381)
114	11/06/2007	(595861)
115	01/23/2008	(612779)
116	02/26/2008	(612679)
117	04/07/2008	(641587)
118	04/08/2008	(638701)
119	04/15/2008	(646179)
120	05/22/2008	(670929)
121	06/13/2008	(682875)
122	08/22/2008	(646255)
123	08/25/2008	(699662)
124	08/28/2008	(641497)
125	10/30/2008	(706187)
126	11/24/2008	(706186)
127	12/18/2008	(709825)
128	12/22/2008	(721338)
129	12/23/2008	(682877)
130	01/09/2009	(708321)
131	01/13/2009	(722749)
132	01/15/2009	(708931)
133	02/26/2009	(636579)
134	02/27/2009	(701555)
135	02/27/2009	(736312)
136	03/06/2009	(686483)
137	03/12/2009	(736366)
138	03/13/2009	(737725)
139	03/26/2009	(704382)
140	04/06/2009	(740409)
141	04/14/2009	(721022)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	04/30/2004	(309921)	
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/02/2004	(270362)	
Self Report?	NO		Classification: Moderate
Citation:	TPDES Permit No. 01909 PERMIT TWC Chapter 26 26.121		
Description:	Failure to prevent a discharge of wastewater and process area storm water from entering the Corpus Christi Inner Harbor.		

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)  
 TPDES Permit No. 01909 PERMIT  
 Description: Failure to submit a written notification of a noncompliance within five working days of becoming aware of the noncompliance. On April 25, 2004, the facility received approximately 6 inches of rainfall in a two hour period which resulted in the discharge of wastewater and process area stormwater.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TPDES Permit No. 01909 PERMIT  
 Description: Failure to maintain the chlorine residual within the permitted limit of at least 1.0 mg/l. On the morning of May 3, 2004, a grab sample taken from outfall 005 measured 0.001 mg/l.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TPDES Permit No. 01909 PERMIT  
 Description: Failure to maintain the flow of effluent within the permitted limit at outfall 003. A 2.89 MGD flow was reported for April 25, 2004 due to heavy rainfall in the area. The 24-hour flow limit is 2.79 million gallons (MGD).

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TPDES Permit No. 01909 PERMIT  
 Description: Failure to meet the effluent limit of 200 mg/l for chemical oxygen demand (COD) at storm water outfall 011. On December 12, 2003, a grab sample taken from outfall 011 measured 404 mg/l of COD.

Date: 08/16/2004 (289440)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 38754/PSD-TX-324M11 PERMIT  
 Description: Failure to prevent visible emissions from two flares (EPNs 127 and 158) as reported on January 23, 2004 in incident 33729 and on March 30, 2004 in incident 37226 respectively.

Date: 05/31/2005 (583167)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (583171)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (450609)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 Description: Failure to submit an accurate and complete Permit Compliance Certification including or referencing the identification of all terms and conditions of the permit for which compliance was not achieved.

Date: 12/31/2006 (583184)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/23/2007 (557176)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)  
Description: Failure to obtain commission authorization prior to an activity of collection, handling, storage, processing, or disposal of industrial solid waste.

Date: 05/15/2007 (557031)

Self Report? NO Classification: Moderate  
Citation: Permit Conditions 2.g. PERMIT  
TWC Chapter 26 26.121

Description: Failure to prevent two unauthorized discharges from the wastewater system or through a permitted outfall.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)  
Monitoring and Reporting Req., 7. PERMIT

Description: Failure to provide notification to the TCEQ in accordance with permit provisions.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Effluent Limitations PERMIT

Description: Failure to meet permit limitation for Chemical Oxygen Demand (COD) at Outfall 006 on December 7, 2006.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.124  
Permit Conditions, 2.a. PERMIT

Description: Failure to sample Outfall 002 weekly when discharge occurs.

Date: 05/31/2007 (583169)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/10/2007 (557176)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(f)

Description: Failure to provide documentation verifying exemption status.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.191

Description: Failure to comply with assessment of existing tank system's integrity.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.194(b)

Description: Failure to comply with general operating requirements.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195

Description: Failure to comply with cathodic protection inspection and schedule.

Date: 09/30/2007 (608381)

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/06/2007 (595861)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.191

Description: Failure to comply with assessment of existing tank system's integrity.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195

Description: Failure to comply with cathodic protection inspection and schedule.

Date: 02/26/2008 (612679)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a deviation report no later than 30 days after the end of the each reporting period. Specifically, the deviation report for the period of August 8, 2006 through February 7, 2007, due no later than March 7, 2007, was submitted late on March 15, 2007.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(n)(8)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct storage vessel inspections according to the frequency stipulated in provisions of applicable regulations.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(n)(8)  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct storage vessel inspections according to the frequency stipulated in provisions of applicable regulations.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(n)(8)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646

Description: 5C THSC Chapter 382 382.085(b)  
Failure to equip affected openings of storage vessels with devices which close off liquid surface area from atmosphere.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.322(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
40 CFR Part 63, Subpart H 63.168  
5C THSC Chapter 382 382.085(b)  
Flex NSR 38754 SC 32 & 33 PA

Description: Failure to repair leaking components in a timely manner according to applicable requirements.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.322(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
Flex NSR 38754 SC 32(E) PA

Description: Failure to properly equip and operate each open-ended line (OELs) with a cap, blind flange, plug or a second valve.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct monthly inspection of drain water seal controls.

Date: 11/24/2008 (706186)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Effluent Limitations and Monitoring Req. PERMIT

Description: Failure to meet permit limitations for one or more parameters on five separate  
Discharge Monitoring Reports (DMRs) between November, 2007, and October,  
2008.

F. Environmental audits.

Notice of Intent Date: 03/05/2008 (640797)

No DOV Associated

Notice of Intent Date: 05/12/2008 (682226)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
VALERO REFINING-TEXAS, L.P.	§	
RN100214386; RN100238385	§	ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2010-0924-AIR-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Valero Refining-Texas, L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates petroleum refineries at the following locations (collectively known as the "Plants"):
  - a. 5900 Up River Road in Corpus Christi, Nueces County, Texas ("Plant 1"); and



- b. 1301 Loop 197 South in Texas City, Galveston County, Texas ("Plant 2").
2. The Plants consist of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted December 10, 2008 through April 6, 2009 at Plant 1, TCEQ staff documented that:
  - a. The Respondent released 897,677 pounds ("lbs") of volatile organic compounds ("VOC"), including 14,615 lbs of hazardous air pollutants ("HAP"), from a leak in a product exchanger (Equipment No. 22-E-07) in the Heavy Oil Cracking ("HOC") Unit Cooling Tower during an emissions event (one event reported as Incident Nos. 111485 and 118109) that began May 27, 2008 and lasted 2,382 hours. The leak was discovered on May 27, 2008 and repaired September 3, 2008. The cause of the leak could not be determined based on information provided. The TCEQ determined that the emissions event was excessive;
  - b. The Respondent released 245,159 lbs of VOCs, including 51,829 lbs of HAPs, from a leak in a product exchanger (Equipment No. 22-E-18B) in the HOC Unit Cooling Tower during an emissions event (Incident No. 114252) that began September 18, 2008 and lasted 229 hours and 30 minutes. The cause of the leak could not be determined based on information provided. The TCEQ determined that the emissions event was excessive; and
  - c. The initial notification for the event that was discovered on May 27, 2008 was not reported until December 24, 2008 (as Incident No. 118109) after the identification of an error in calculations determined that the event was reportable. The final report for Incident No. 118109 was submitted on January 7, 2009. In December 2008, it was also determined that the incident reported as Incident No. 111485, with an end date of September 3, 2008, was a continuation of Incident No. 118109.
4. During an investigation conducted on December 28, 2009 at Plant 2, TCEQ staff documented that:
  - a. The Respondent released 553.8 lbs of nitrogen oxides, 31,498 lbs of sulfur dioxide ("SO<sub>2</sub>"), 120.7 lbs of ammonia, 4,000.4 lbs of carbon monoxide, 1,259.5 lbs of hydrogen sulfide ("H<sub>2</sub>S"), and 37,597.4 lbs of VOC into the atmosphere due to the failure of a coupling on a crude charge pump to the No. 3 Crude Unit during startup that resulted in a fire (Incident No. 133651). The emissions event that occurred on December 24, 2009, lasted three hours and 56 minutes. The TCEQ determined that the emissions event could have been avoided by better operational practices; and

- b. The Respondent failed to include the compound descriptive types in the final report. Specifically, the Respondent did not include all individually listed contaminants from all emission points involved in the emissions event for Incident No. 133651.
5. During an investigation conducted on March 17, 2010 at Plant 2, TCEQ staff documented that the Respondent released 1,999.90 lbs of SO<sub>2</sub> and 21.66 lbs of H<sub>2</sub>S into the atmosphere due to the pressure build-up in the No. 2 Tail Gas Unit Absorber which resulted in amine carryover from the tower (Incident No. 134380). The emissions event, which began on January 12, 2010, lasted 48 hours. The TCEQ determined that the emissions event could have been avoided by better operational practices.
6. The Respondent received notices of the violations on April 19, 2009, May 26, 2010, and May 29, 2010.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at Plant 1:
  - a. Submitted a Corrective Action Plan on June 12, 2009; which was revised, approved, and implemented by April 15, 2011; in response to Incident Nos. 111485, 118109, and 114252 at the HOC Unit Cooling Tower; and
  - b. Reviewed, updated and re-trained, as necessary, its emissions event calculating and reporting procedures by January 7, 2009.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3.a., the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a) and (c)(7), TEX. HEALTH & SAFETY CODE § 382.085(b) and Flexible Permit Nos. 38754 and PSDTX324M13, Special Conditions No. 1. Since this emissions event was determined to be excessive and it was improperly reported, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. As evidenced by Findings of Fact No. 3.b., the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a) and (c)(7), TEX. HEALTH & SAFETY CODE § 382.085(b) and Flexible Permit Nos. 38754 and PSDTX324M13, Special Conditions No. 1. Since this emissions event was determined to be excessive, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

4. As evidenced by Findings of Fact No. 3.c., the Respondent failed to submit the initial notification and final report for an emissions event initially reported as two incidents (Incident Nos. 118109 and 111485) in a timely manner, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1), (b) and (c) and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 4.a., the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
6. As evidenced by Findings of Fact No. 4.b., the Respondent failed to include the compound descriptive types in the final report, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of Five Hundred Ninety-One Thousand Seven Hundred Ninety-Eight Dollars (\$591,798) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Two Hundred Ninety-Five Thousand Eight Hundred Ninety-Nine Dollars (\$295,899) of the administrative penalty. Two Hundred Ninety-Five Thousand Eight Hundred Ninety-Nine Dollars (\$295,899) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Hundred Ninety-One Thousand Seven Hundred Ninety-Eight Dollars (\$591,798) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The

payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2010-0924-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 9 above, Two Hundred Ninety-Five Thousand Eight Hundred Ninety-Nine Dollars (\$295,899) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provision of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements at Plant 2:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement measures designed to prevent a recurrence of emissions events due to the same cause as Incident No. 133651;
    - ii. Implement procedures to ensure that the final record for a reportable emissions event complies with 30 TEX. ADMIN. CODE § 101.201(b)(1); and
    - iii. Implement measures designed to prevent a recurrence of emissions events due to the same cause as Incident No. 134380.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision No. 3.a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with copies to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plants' operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

8/15/11  
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of Valero Refining-Texas, L.P. I am authorized to agree to the attached Agreed Order on behalf of Valero Refining-Texas, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Valero Refining-Texas, L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

6-14-11  
Date

Salvatore Visconti  
Name (Printed or typed)

SVP # Gen Mgr.  
Title

Authorized Representative of  
Valero Refining-Texas, L.P.

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*Paul D. Hyle*  
For the Executive Director

8/05/11  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Valero Refining-Texas, L.P. I am authorized to agree to the attached Agreed Order on behalf of Valero Refining-Texas, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Valero Refining-Texas, L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Dennis Payne*  
Signature

6/8/11  
Date

Dennis Payne  
Name (Printed or typed)

V. P. Geni Mgr.  
Title

Authorized Representative of  
Valero Refining-Texas, L.P.



**Attachment A**  
**Docket Number: 2010-0924-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Valero Refining-Texas, L.P.</b>
<b>Penalty Amount:</b>	<b>Five Hundred Ninety-One Thousand Seven Hundred Ninety-Eight Dollars (\$591,798)</b>
<b>SEP Offset Amount:</b>	<b>Two Hundred Ninety-Five Thousand Eight Hundred Ninety-Nine Dollars (\$295,899)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas PTA – <i>Texas PTA Clean School Buses</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 214 – Corpus Christi-Victoria (<i>Nueces County preferred</i>)</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Director of Finance  
Texas PTA  
408 W. 11<sup>th</sup> Street  
Austin, Texas 78701

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

Valero Refining-Texas, L.P.  
Agreed Order - Attachment A

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## **5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

## **6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

## **7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

